

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

FLEET OIL AND GAS LTD., 5600
ROCKHILL HOMES, LTD., LONGTIDE
PROPERTIES, LTD., VLMC INC.,
AMERICAN ROYALTIES, LTD.,
AMERICAN ROYALTIES-LA,
LEWISVILLE #7 PARTNERS, LTD.,
HUBEND 54, LTD., AND PARTNERSHIP
EQUITY, LTD.,

PLAINTIFFS,

v.

CIVIL ACTION No. _____

CHESAPEAKE ENERGY
CORPORATION, CHESAPEAKE
OPERATING, INC., CHESAPEAKE
OPERATING, L.L.C., CHESAPEAKE
EXPLORATION, L.L.C., AS SUCCESSOR BY
MERGER TO CHESAPEAKE
EXPLORATION, L.P., CHESAPEAKE
ENERGY MARKETING, INC., AND
TOTAL E&P USA, INC.,

DEFENDANTS.

NOTICE OF REMOVAL

Defendants Chesapeake Energy Corporation, Chesapeake Operating, Inc. (now, Chesapeake Operating, L.L.C.), Chesapeake Exploration, L.L.C. as successor by merger to Chesapeake Exploration, L.P., Chesapeake Energy Marketing, Inc. (now, Chesapeake Energy Marketing, L.L.C.), and Total E&P USA, Inc. ("Defendants") notify the Court, in accordance with 28 U.S.C. §§ 1441 and 1446, of the removal of the action styled *Fleet Oil and Gas Ltd., 5600 Rockhill Homes, Ltd., Longtide Properties, Ltd., VLMC Inc., American Royalties Ltd., American Royalties LA, Lewisville 7 Partners, Ltd., Hubend 54, Ltd. and Partnership Equity, Ltd. v. Chesapeake Energy Corporation, Chesapeake Operating, Inc., Chesapeake Operating, L.L.C., Chesapeake*

Exploration, L.L.C. as successor by merger to Chesapeake Exploration, L.P., Chesapeake Energy Marketing, Inc., and Total E&P USA, Inc., Cause No. 048-290718-17, filed in the District Court of Tarrant County, Texas, 48th Judicial District (the “State Court Action”). Defendants remove this case on the grounds of federal-question jurisdiction, 28 U.S.C. § 1331, and state as follows:

1. Plaintiffs originally filed suit against Defendants on February 28, 2017. Plaintiffs’ Original Petition states various claims against Defendants, including alleged violations of the Racketeering Influenced and Corrupt Organizations Act (“RICO”), 18 U.S.C. §§ 1961-1968. *See* Pls.’ Original Pet. pp. 35-51.
2. Pursuant to 28 U.S.C. § 1331, the Court has original jurisdiction over Plaintiffs’ civil RICO claims because they arise under the laws of the United States. Accordingly, Plaintiffs’ claims support federal-question jurisdiction. *See Baldwin v. Sears, Roebuck & Co.*, 667 F.2d 458 (5th Cir. 1982) (any civil action in which there is concurrent original jurisdiction in the federal and state courts is removable under 28 U.S.C. § 1441 absent an express congressional declaration otherwise); *Lichtenberger v. Prudential-Bache Sec., Inc.*, 737 F. Supp. 43, 44 (S.D. Tex. 1990); *Goldman v. Hartford Life & Acc. Ins. Co.*, No. 05-1835, 2005 WL 1457416, at *2 (E.D. La. June 16, 2005).
3. Defendants’ counsel received a copy of Plaintiffs’ Original Petition on February 28, 2017, therefore removal is timely because no more than 30 days have elapsed since Defendants received the initial pleading. *See* 28 U.S.C. § 1446(b)(2)(B).
4. This action may be removed to the United States District Court for the Northern District of Texas, Fort Worth Division because the action is pending in Tarrant County, Texas, which is within the jurisdiction of the Fort Worth Division. *See* 28 U.S.C. §§ 124(a)(1), 1446(a).
5. In accordance with Local Rule 81.1, Defendants attach the following Exhibits:

Exhibit A: Civil cover sheet

Exhibit B: Supplemental civil cover sheet for cases removed from state court

Exhibit C: State Court Action docket sheet

Exhibit D: Index of documents filed in State Court Action

Exhibit E: Each document filed in the State Court Action

Exhibit E-1: Plaintiffs' Original Petition
(filed February 28, 2017)

Exhibit E-2: Citation for Defendant Chesapeake Energy Corporation
(issued March 2, 2017)

Exhibit E-3: Citation for Defendant Chesapeake Operating, Inc.
(issued March 2, 2017)

Exhibit E-4: Citation for Defendant Chesapeake Operating, L.L.C.
(issued March 2, 2017)

Exhibit E-5: Citation for Defendant Chesapeake Exploration, L.L.C.
(issued March 2, 2017)

Exhibit E-6: Citation for Defendant Chesapeake Energy Marketing, Inc.
(issued March 2, 2017)

Exhibit E-7: Citation for Defendant Total E&P USA, Inc.
(issued March 2, 2017)

Exhibit E-8: Rule 11 Agreement
(filed March 23, 2017)

Exhibit E-9: Chesapeake Defendants' Original Answer
(filed March 29, 2017)

Exhibit E-10: TEPUSA's Original Answer
(filed March 29, 2017)

Exhibit F: Certificate of interested persons

6. Immediately following the filing of this Notice of Removal, written notice of the filing of this Notice of Removal will be served on Plaintiffs' counsel, as required by 28 U.S.C. § 1446(d).

7. Defendants will promptly file a copy of this Notice of Removal with the Clerk of the District Court of Tarrant County, Texas, where the State Court Action was pending, as required by 28 U.S.C. § 1446(d).

8. For the above reasons, Defendants remove the State Court Action to this Court and request that the Court issue any orders necessary to stay proceedings in the State Court Action and assume jurisdiction over this action for all purposes.

Dated: March 30, 2017.

Respectfully submitted,

By: /s/ Craig A. Haynes
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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2017, a true and correct copy of the foregoing was served
on Plaintiffs' counsel of record via electronic mail.

/s/ Craig A. Haynes
Craig A. Haynes